

County of Moore

Public Works Department

Water/Sewer Ordinance



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County of Moore Water Ordinance
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Section 1. Authority

This ordinance is adopted pursuant to North Carolina General Statute 153A-275 and for the purpose of providing adequate and reasonable rules and regulations to protect and regulate water supply and distribution systems owned or operated by Moore County Department of Public Works (MCDPW). The ordinance is also adopted pursuant to North Carolina General Statute 153A-277 for the purpose of establishing a schedule of rents, rates, fees, charges and penalties for the use of services furnished by water supply and distribution systems owned or operated by MCDPW.

Section 2. Water and Sewer Connections

Water and sewer connections will be installed only at the request of the customer or his agent after payment of the tap fee/connection and account deposit. Additionally, the tap application must be received and approved by MCDPW and water and/or sewer deemed available to serve the property or premise.

Water and sewer connecton fees will be charged in accordance with the latest adopted fee schedule. Refer to the Development Policy for the timing of charges made for Developments.

Section 3. Establishing a Utility Account

Customers who wish to establish a water and/or sewer account must complete an online or a written application and submit to MCDPW. The application is not complete without a valid government issued identification. The customer will be requested to provide his Social Security Number for debt collection purposes.

Customers will also be assessed a service charge in accordance with the fee schedule for the fiscal year during which the account service is to begin.

Section 4. Account Deposits

A deposit in accordance with the current fiscal year fee schedule is required for all newly established accounts with government issued identification, unless satisfactory credit has been established and approved by an authorized representative of MCDPW. If government issued identification is not provided, the customer will be required to pay an increased deposit amount.. In order to establish satisfactory credit and have the deposit requirement waived, at least one of the following conditions must be met:

- 1). Customer has had twelve (12) months of service with MCDPW or East Moore Water District (EMWD) with no late payments, returned checks or disconnects due to non-payment; or
- 2). Customer provides three (3) letters from other utility providers on letterhead that show service in the applicant's name for at least twelve months with no late payments, returned checks or disconnects due to non-payment.

Deposits shall not accrue interest. A separate deposit is required for each service address requested and must be received prior to beginning service.

Section 5. Unpaid Balances and Balance Transfer

Any balance owed to MCDPW or EMWD must be paid prior to beginning service at a new address or same address; otherwise, MCDPW reserves the right to reject service to the applicant. Customers with multiple accounts are subject to any unpaid MCDPW or EMWD balance(s) being transferred to another MCDPW account. The balance transfer may cause the new account to be disconnected if payment is not received.

Section 6. Deposit Refunds

Customers are eligible for a refund of their deposit if all of the following conditions are met:

- 1). Customer submits written request;
- 2). Customer is not currently delinquent in the payment of bills, nor has any outstanding account balance;
- 3). Customer has had no past due bills or incurred any late fees in the most recent consecutive twelve (12) months of service;
- 4). Customer has left no unpaid debt on a previous MCDPW or EMWD account.
- 5). Customer owns the premises for which service was established with said deposit.

Any deposits paid at service connection will be applied to the final bill. Overages will be refunded to the customer.

Section 7. Landlord/Tenant Relationship for Rental Properties

Once a tenant provides notice that he will be terminating service, the landlord or new tenant must call to begin service; otherwise, the connection will remain off.

After two defaults on utility fee payments at a rental property or premise, the owner of the property or premise will be required to become the contracting party for utility service.

Section 8. Access to Meter, Meter Box and Premise

Customer will provide the required access of the premise at all reasonable hours for the purpose of installing or removing property owned or controlled by MCDPW, inspecting piping, reading or testing meters, or for any other purpose in connection with MCDPW's service and facilities.

Should access be limited or obstructed, service may be disconnected immediately without notice until access is fully restored.

No person, except an employee of MCDPW, shall operate the valve installed in each meter box except as approved by an authorized representative of MCDPW. The fact that the water is turned on to any premise by a person without the prior knowledge of either MCDPW or the customer shall not relieve the customer of liability for such unauthorized use of water. A minimum fee as established in the current fiscal year fee schedule shall be imposed upon the customer where tampering or unauthorized use of water has occurred.

Section 9. Billing(Paper and E-bills)

Payment in full is due twenty-one (21) days from the bill date. Any balance equal to or greater than \$5.01 carried forward will incur a late fee in accordance with the adopted fee schedule for the current fiscal year.

The County will be not responsible for late, undeliverable bills, or payments delayed by the United States Postal Service or other delivery services or means. Failure to receive a utility bill shall not relieve the customer from payment of said utility bill. Email address changes must be received in writing when E-bill services are chosen. Failure to receive a utility bill shall not relieve the customer from payment of said utility bill.

Section 10. Disconnection of Service

Services are subject to disconnection once the account balance remains delinquent for more than ten (10) days, which is a total of thirty-one (31) days beyond the bill date. Separate notice is not required to customers before their service is disconnected; however, if an email address is on file, MCDPW will attempt to notify the customer via email.

MCDPW reserves the right to discontinue service without notice for the following additional reasons:

- 1). To prevent fraud or abuse;
- 2). Customer's willful disregard for MCDPW's rules and ordinances;
- 3). Emergency repairs;
- 4). Insufficiency of supply due to circumstances beyond MCDPW'S control;
- 5). Legal processes;
- 6). Strike, riot, flood, accident or any unavoidable cause.

Section 11. Reconnection of Service

Once disconnected for non-payment, the customer must pay the total balance owed on the account. If a deposit is not on the account, the current deposit amount at the time of reconnection will also be required. Additionally, a reconnect fee must be paid prior to reconnection of service.

If a customer is disconnected and has not been late on any payments in the most recent consecutive twelve months of history, a one time waiver of the deposit may be granted by the Public Works Director or his designee. The reconnection fee is still required to be paid prior to reconnection.

If a different customer requests service at an address that has been disconnected for non-payment, at least one of the following requirements must be met in addition to those detailed in other sections of this Ordinance:

- 1). Customer must provide copy of lease agreement or deed to the property with the customer's name listed on the document provided; or

2). If no lease agreement exists, the customer must provide a notarized letter containing the landlord's signature signifying that the tenant is authorized to begin service at the specific address requested.

No reconnections will be made after normal business hours.

Section 12. Complaints

Customer must present his claim, in writing, before the bill becomes delinquent. If a claim is made after the bill has become delinquent, it will not be effective in preventing disconnection of service nor will it waive any late fees. Customer may pay bill under protest and said payment will not prejudice his claim.

Section 13. Adjustments Due to Over Billing or Under Billing

MCDPW will collect any deficiencies in utility payments due to under billing for a maximum period of twelve months.

MCDPW will refund any excess money collected in utility payments due to over billing in accordance with the current North Carolina General Statute.

Section 14. Leak and Unexplained Usage Adjustments

The purpose of this section is to provide for a credit adjustment to the water and/or sewer account of a customer who has experienced a loss of metered water as a result of conditions beyond normal and reasonable control of the customer or other parties responsible for the use, care and maintenance of the metered water system.

Adjustments may also be made for unexplainable high usage. When a bill is either unpaid or paid under protest and not resolved, MCDPW may reduce the amount of the bill for water lost to known or unknown causes.

All metered water lost due to negligence on the part of the user will be charged at the normal rate and no adjustment of the bill will be made.

Conditions

It is the customer's responsibility to promptly discover and immediately repair the cause of any unusual situation or condition that may result in loss of metered water. There must be no evidence of undue delay by the customer in stopping the water loss and in making repairs. This adjustment policy does not apply where loss is due to lack of maintenance or repair of facilities or improper operation of devices including, but not limited to, faucets, toilet flush controls, fill valves, hose bibs and similar water control mechanisms.

Customer Responsibility

1). The customer must be able to provide reasonable evidence of the type of loss and the period of time the loss occurred;

- 2). The customer must show that the loss was of a nature that was not foreseeable and controllable in the course of customary and prudent use and care of the metered water system;
- 3). The customer must show that diligent effort was made to stop the flow of water to minimize the loss in a timely manner;
- 4). The customer must show that permanent repairs have been made to prevent a recurrence.

Adjustment Procedure

- 1). Customer must submit a written request for an adjustment and a copy of the repair bill, if applicable, within six (6) months of the occurrence. Once received, MCDPW will evaluate the information provided as to the applicability of an adjustment under this ordinance. All leaks must be stopped prior to any adjustment to the bill.
- 2). Average usage is calculated using the average of total gallons used in the same billing month of the previous year and the billing months immediately before and after the billing month of the previous year.
- 3). To qualify for an adjustment, the usage must be 50% higher than the customer's monthly average usage for the three corresponding months of the previous year.
Example: If a customer requests an adjustment for the month of October 2019, the total gallons for the month of October 2019 must be 50% higher than the average of the total gallons for the months of September, October and November 2017.
- 4). Average usage will be charged at the regular water and sewer rates.
- 5). All water usage above the average usage is charged at MCDPW's lowest water commodity charge for the service provided, except where the leak occurred on meter legs. Refer to step seven (7) for adjustment information where the loss occurred on meter legs.
- 6). If lost water did not enter the sewer system, the sewer portion of the bill is reduced to average monthly usage. If the adjustment request is for unexplained usage, all sewer usage above the average usage is charged at MCDPW's lowest sewer commodity charge.
- 7). Meter leg leaks will be adjusted by charging the customer the same amount as the bill for the same month of the previous year.
- 8). The above calculations will be made by MCDPW staff on the form provided on the subsequent page and shall include complete and adequate justification for each adjustment.
- 9). Each proposed adjustment must be reviewed and approved by the Administrative Services Manager before a credit adjustment is made to the customer's account.
- 10). Only one adjustment is allowed in any twelve (12) month period. The customer may buy back a smaller loss, within the same year, in order to receive an adjustment for a larger loss.
- 11). Adjustments can be applied to two (2) consecutive billing periods if the water loss occurred over two consecutive billing periods.

Section 15. Returned Payments and Reversed Payments

A returned check fee as approved by the Board of Commissioners in the current fiscal year fee schedule will be applied to all returned payments, including but not limited to automatic bank drafts, electronic check payments and written checks. If the returned payment makes the accounts more than ten (10) days delinquent, the account will be disconnected without further notice. Once disconnected for returned check payment, the reconnection procedure is the same as those accounts disconnected for non-payment.

If the returned payment is from the automatic draft service provided by MCDPW, the account will be removed from draft and only authorized to be re-established on draft once written permission from the customer is received.

If the returned payment is a deposit payment for beginning service, the account will be disconnected without further notice. Once disconnected for returned check payment, the reconnection procedure is the same as those accounts disconnected for non-payment.

Section 16. Voluntary Termination of Service Due to Relocation

Customer must provide notice of not less than one day, in person or in writing, to discontinue service for a change in occupancy. The outgoing account holder will be responsible for all water consumed up to the time of departure or the time specified for departure, whichever is later. If the customer fails to notify MCDPW that he has vacated a particular property or premise, the customer will be responsible for all consumption through the date that MCDPW is notified of the change.

Section 17. Voluntary Disconnect and Reconnect Due to Vacancy

Customer must provide notice of not less than one day when they wish to have the service voluntarily disconnected and reconnected. Customer will not be assessed any base rate charges while the meter is voluntarily disconnected and locked by MCDPW. The customer will be assessed a voluntary disconnect/reconnect fee in accordance with the fee schedule for the fiscal year in which the reconnect is to occur. The fee must be paid prior to MCDPW reinstating service to the property.

Section 18. Meter Verification

If a customer believes his/her meter to be inaccurate, a representative of MCDPW will perform a field test on the meter. The customer, or his/her representative, must be present to witness the test. There is no fee for this service.

If, after the field test is performed and the meter is found to be within the acceptable accuracy parameters set by the American Water Works Association (AWWA), the customer may elect to have the meter tested at a separate facility. If, after additional testing, the meter is found to be within the AWWA's acceptable accuracy parameters, the customer will be

assessed a meter verification fee in accordance with the current fiscal year fee schedule. The meter verification fee is due immediately.

Section 19. Meter Tampering and Water Theft

Meter tampering and water theft includes, but is not limited to, removing and/or cutting a lock after the meter has been disconnected, straight piping water into the property or premise without a meter, or turning the meter on or off. Each occurrence of meter tampering or water theft will be assessed a meter tampering and water theft charge, as established in the fiscal year during which the meter tampering or water theft came to the attention of MCDPW in accordance with the current fee schedule.

All meter tampering and water theft charges must be paid in addition to the other disconnect and deposit fees prior to MCDPW restoring service. MCDPW may, in addition to prosecution by law, permanently refuse service to any customer who tampers with a meter or other measuring device.

Section 20. Property/Equipment Damage

Any property or equipment owned by MCDPW that is damaged will be invoiced directly to the account holder or building contractor. Invoices are due within thirty (30) days of the invoice date. If the invoice remains delinquent for more than thirty (30) days, MCDPW will terminate the service and may begin legal action. Once disconnected for failure to pay the invoice for the property or equipment damage, the reconnection procedure is the same as those accounts disconnected for non-payment of utility bills.

Section 21. Meter Reading

All meters will be read and billed monthly.

Section 22. Base Rate and Usage Charges

Base rate charges will be made for each meter installed in accordance with the current fiscal year fee schedule. Water furnished to a specific property shall be used on that property only. Each service must be separately metered at a single delivery and metering point. Customers are responsible for paying the base rate charges regardless of whether water is used during a month.

Section 23. Modification of Fees, Rates or Regulations

No modification of rates or any rules or regulations contained within this Ordinance may be made by any employee of the County of Moore, except as defined in this Ordinance. Modifications may only be made upon majority vote of the Moore County Board of Commissioners.

Adopted this the 22 day of Jan, 2018⁹ upon motion made by Commissioner
* packe and with the following vote:

Ayes 5

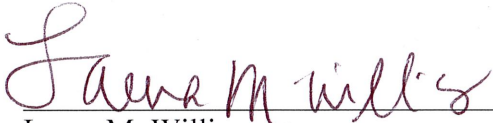
Nos 0

Absent 0.



Francis R. Quis., Chairman
Moore County Board of Commissioners

Attest:



Laura M. Williams
Clerk to the Board of Commissioners

